

From: Kluesner, Dave
Sent: Fri 1/13/2017 3:16:50 PM
Subject: News Clips (PFCs)



Politico

Hoosick Falls board delays decision on proposed settlement

By MARIE J. FRENCH

01/12/17

HOOSICK FALLS — Members of the village board here decided to table a proposed agreement with companies held responsible for contaminating the village water supply after residents voice their objections Thursday night.

More than 70 people gathered at a special meeting of the village board to consider the proposed settlement with the two companies, Saint Gobain and Honeywell. Most residents who spoke at the meeting, held in the village's old armory, opposed the agreement, which Mayor David Borge said would help cover the village's costs from water contamination.

“What is the rush? Where’s the fire? It’s already happened and we’re already dealing with it,” said Hoosick Falls resident Jennifer Plouffe.

Village board members said concerns raised by residents gave them pause. By consensus, they agreed to consider the agreement further.

Residents have been stunned by revelations that they have been drinking water contaminated with a toxic chemical linked to cancer. Many residents have elevated levels of the chemical, PFOA, in their blood.

Saint Gobain and Honeywell are being held responsible by the state and federal agencies. The companies had manufacturing operations in the village that used PFOA.

The settlement would require the two companies to pay the village \$850,000. The bulk, \$513,000, will go to pay legal, communications and engineering consulting fees. The remainder is to pay the village back for losses from reduced water use and expenses for flushing the water system and increased administrative spending to keep residents informed.

Class action lawsuits have been initiated against the companies and sites where PFOA was used have been designated state Superfund sites and been proposed as federal Superfund sites. The settlement would not affect civil lawsuits brought by residents or the Superfund negotiations to clean up the contamination.

Under the agreement, the village would agree not to sue the two companies in the future for anything related to the village's existing wells and water system. However, the village would be able to sue to recover third party costs or for contamination of any future wells, according to Borge.

“This agreement is very, very specific. It focuses on village costs. It’s for PFOA only from existing wells,” Borge said. “If another contaminant shows up, we are able to go forward if we think the companies have caused that or whoever else may have caused that, we can proceed with that.”

But village residents raised concerns about the release and the clause specifying that the companies do not accept any liability.

“If we allow the company that poisoned our water to get away without even a minimal admission of liability, I think we would be doing a huge, huge disservice to our community,” said Ronald Sampath, a Hoosick Falls resident who lives near the Saint Gobain plant. “There’s no effort to identify the culprits in this scenario.”

David Engel, an Albany attorney who represents the residents group Healthy Hoosick Water, raised several legal concerns with the proposed settlement. He said the village should not give up its rights to force the companies to do more to address the contamination if the state or federal governments are too slow to act.

“The proposed settlement is prejudicial to the long-term interests of the village,” he said. “There's no need for the village to approach Saint Gobain and Honeywell as a mere supplicant. You are empowered because you have the truth and you have the law and have the facts. You don't have to take this deal.”

Borge said the village has bills it needs to pay and that taking out a loan may be an option. He

said the village board would take up the issue again no later than February and perhaps earlier.

State Sen. Kathy Marchione, a Republican who represents Hoosick Falls, spoke after residents called on her several times. She said the decision was a municipal, not a state, issue, but she urged the board not to make a decision Thursday night.

“Some of the things I have heard here give me a little bit of pause,” she said, adding that whatever board members decide, they should put it to village residents in the form of a referendum.

Times Union

Village tables vote on PFOA proposal

By Bethany Bump

Published 10:40 pm, Thursday, January 12, 2017

Residents and others packed the Hoosick Falls armory on Thursday, Jan. 12, 2017 as the village board discussed whether to approve a PFOA settlement with Saint Gobain and Honeywell. (Bethany Bump / Times Union)

Hoosick Falls

In the face of vehement community opposition, the Hoosick Falls Village Board agreed Thursday night to table a vote on a proposed \$850,000 settlement with the companies blamed for polluting the community's drinking water. The board's decision came after two hours of impassioned pleas from residents and local attorneys, who argued the agreement not only signed away the village's legal rights to sue Saint-Gobain Performance Plastics and Honeywell International, but in fact gave the companies the right to sue the village.

David Engel, an attorney for Healthy Hoosick Water, said the agreement would allow the companies to seek recovery of costs incurred should anyone — including the village — attempt to bring personal injury or property damage claims against the companies.

"This makes no sense whatsoever," he said.

Or, as local teacher and coach Ron Jones later put it: "It doesn't make any sense that we would sign something where they could take legal action against us."

Mayor David Borge opened the Village Board meeting defending the agreement, which he said was needed to help the village recoup the losses it had incurred since the toxic manufacturing chemical, PFOA, was discovered in the water supply. Nearly half the settlement money would go to legal and public relations consultants.

He also defended the provision that would sign away the village's legal rights, saying it only applied to claims arising from existing wells and piping at the water treatment plant, which now shows non-detect levels for PFOA. It would not include claims related to other contaminants, should any be discovered, or contamination from other locations, he said.

Residents remained unmoved, citing legal experts who had reviewed the agreement and found it wanting.

"Where is the rush? Where is the fire?" asked resident Jennifer Plouffe. "It's already happened. It's already here. We're all already dealing with it. We're asking you to please don't do this. Take a step back."

State Sen. Kathy Marchione joined residents in recommending the board table its decision until it has more time to research its options. If she were mayor, she said, she would put the issue to a public referendum.

By the end of the meeting, the board unanimously tabled the decision and was met with hearty applause.

"After hearing what we heard tonight, there's no way we could move forward and vote on this agreement," Trustee Bob Ryan said.

Borge warned the audience of about 200 people that the board would have to take the matter up again no later than February and "possibly sooner."

In order to get by financially, he said, the village can either recoup its losses from the company via a settlement or borrow money. The latter choice would accrue interest that ultimately taxpayers would have to pay, he said.

Vote on PFOA settlement delayed in Hoosick Falls

By Heather Kovar

Thursday, January 12th 2017

Vote on PFOA settlement delayed in Hoosick Falls

HOOSICK FALLS, NY (WRGB)

A unanimous decision by the Hoosick Falls Village Board to table a proposed \$850,000 settlement with two companies the state says contaminated the drinking water with PFOA.

The board was set to make a decision on the settlement with Saint Gobain and Honeywell, after a public hearing at the Armory Thursday night.

After two hours of hearing heated concerns, the board decided to take up the issue early February, promising another hearing before a vote is made.

Inside the hearing, signs such as "Dirty water, dirty deal" sum up the feeling of those opposed. More than a dozen people spoke out.

"When a room full of people say 'hey we have some concerns, we need to listen we did we will regroup if you will,'" said Hoosick Falls Mayor David Borge.

About 40 percent of the \$850,000 settlement included legal and public relations expenses. Mayor David Borge explained what services the PR firm provided.

"The PR company was invaluable to us. Early on we were told by much of the public we were not getting information out quick enough," said Mayor Borge.

He says the firm helped them update the website and get information to people in a way they can understand.

Some people who came in worried about the settlement, shook the mayor's hand and praised the board's decision to table the vote.

"I am absolutely relieved. I've been on pins and needles for days and I'm so thankful they were willing to listen to us," says Hoosick Falls resident Michelle O'Leary.

One of the biggest concerns of the settlement -- a clause in which the village would not be able to make future claims against the companies over contamination.

Hoosick Falls board votes to table settlement in PFOA crisis

By Rachel Yonkunas and Carmen Chau

January 12, 2017, 11:12 pm

HOOSICK FALLS, N.Y. (NEWS10)

The Hoosick Falls board voted to table the \$850,000 settlement agreement during a special meeting Thursday night.

The six-page draft settlement was between Hoosick Falls, Saint-Gobain Performance Plastics and Honeywell for the PFOA contamination in the village. The agreement states \$850,000 would be reimbursed to the village.

Once paid, it would free the companies from future liabilities.

Thursday night's meeting began with public comment. Everyone said the decision to vote was too rushed and more information is needed.

“We don’t know what’s going to happen in the future,” Hoosick Falls resident Desirey Rice said. “There’s so much more to be done. We are so much further behind than Vermont even.”

Many people feel that if the village signs the settlement, it lets the companies off the hook.

“There seems to be common sense question of releasing them from responsibility,” resident Loreen Hackett said.

A permanent GAC filter is in place on the village water supply. Because of the filter, the settlement states the village can’t sue the companies for any PFOA found in the wells. However, if another contaminant is found, that’s a whole new ball game.

The state’s consent order already requires the companies to maintain the GAC filter and cover the added electricity costs.

Sen. Kathy Marchione attended the meeting. She backed Mayor David Borge and said he is not the one who let people drink contaminated water for 18 months. However, she empathized with the public to table the agreement.

“Some of the things that I’ve heard here give me a little bit of pause,” she said. “I would say that if I were sitting in the mayor’s seat, I probably would not make the decision this evening.”

Board members spoke strongly on the hard work they put into the issue, but they decided to hear the public’s comments and concerns.

“\$850,000 out of \$3.4 million is about a quarter, so that’s a big chunk,” Borge. “Where does that money come from? We have to be concerned about it.”

Borge said the next meeting regarding the settlement will take place on February 3. If the board

makes a decision early, it's possible a special meeting could be held before then.

Courier Times

Ivyland woman sues Navy after finding high PFOA blood level

By Kyle Bagenstose, staff writer

Jan. 12, 2017

For the first time, public information reveals how much of the toxic, unregulated chemical PFOA has made its way into the blood of a local resident.

According to a lawsuit filed last month, Dorothy Palmer, of Ivyland, has 31 parts per billion (ppb) in her blood, a level approximately 15 times the national average. The amount is also higher than typical levels found in other highly contaminated communities across the country.

The information was included in the lawsuit filed on behalf of Palmer and her son, George Palmer, in late December in Bucks County Court. The suit alleges the Navy improperly disposed of PFOA and PFOS during its operation of the now-shuttered Naval Air Warfare Center in Warminster.

There's no indication in the suit or from the attorney if Palmer or her son have developed any physical ailments from the chemicals. Their lawyer said they didn't want to comment.

The chemicals are suspected to have originated from firefighting foams used as far back as the early 1970s at the former Warminster base, as well as the former Naval Air Station-Joint Reserve Base Willow Grove in nearby Horsham, part of which is now the active Horsham Air Guard Station. The chemicals made their way into groundwater and contaminated the drinking water supplies of as many as 70,000 people.

The Navy first began sampling for the chemicals in the area in 2011. By 2013 and 2014, a

nationwide Environmental Protection Agency testing program found the chemicals in numerous public water wells at levels that were among the highest in the country. That finding forced the wells to be shut off.

“The Navy’s a big defendant, and I’m really interested in making sure that Dorothy and her son get the relief they’re entitled to,” said Steven Angstreich, the Palmers’ attorney and a partner at Weir & Partners in Center City Philadelphia.

According to the lawsuit, Dorothy Palmer has lived at 26 Gough Ave. in Ivyland since 1981. The property is about a half-mile from the former NAWC.

The suit states Palmer relied on a private well until it was found to be contaminated by PFOA and PFOS in October 2014. At that time, it contained 446 parts per trillion (ppt) of PFOS and 157 ppt of PFOA. Those amounts, combined, are more than eight times higher than the 70 ppt advised limit for drinking water recommended by the EPA to avoid health effects.

Palmer's well is one of more than 200 private wells that have been closed due to contamination in Warminster, Horsham, Warrington and surrounding communities. Sixteen public wells, serving tens of thousands of people, also have been closed.

Angstreich said Palmer only had her blood tested for PFOA, as there are “very few physicians” who will order a test for PFOS. But since the PFOS level was found to be higher in Palmer’s drinking water than the PFOA, and PFOS takes longer to leave the body, Angstreich agreed that Palmer may have an even higher level of PFOS in her blood than PFOA.

Palmer's PFOA level was 15 times higher than the 2-ppb level of the average American, according to a nationwide blood testing program administered by the U.S. Centers for Disease Control and Prevention. Those whose blood levels were in the top 5 percent in the nationwide testing program showed an average PFOA level of 5.68 ppb. Palmer's was five times higher.

Palmer’s blood level appears to exceed those in even the nation's most highly contaminated communities.

In the Mid-Ohio Valley, approximately 70,000 residents have successfully sued chemical company DuPont for hundreds of millions of dollars after being exposed to PFOA in their drinking water. Median PFOA blood levels in that community were 28 ppb for PFOA. Residents exposed to PFOA leaking from a factory in Hoosick Falls, New York, had median PFOA blood levels of approximately 23 ppb. And at a joint military-private trade facility in Pease, New Hampshire, median PFOA blood levels were 3.2 ppb, and median PFOS blood levels were 8.9 ppb.

Palmer's level also appears to offer some evidence that blood concentrations here may be higher than federal officials previously thought. At a May community meeting in Horsham, Karl Markiewicz, a senior toxicologist with the CDC, said, "I think the same thing that we see at Pease is what we would see here if we did a (blood test) study (locally)."

Data from New Hampshire's Department of Health and Human Services showed the highest level of PFOA detected in the blood of any individual in the Pease blood testing program was 32 ppb — just slightly higher than Palmer's. An analysis by the department also showed that age, male sex and length of time spent on Pease were most strongly associated with higher blood levels of the chemicals. For males, typical blood levels of PFOA and PFOS were both higher than levels in women.

This news organization has further investigated comparisons to Pease and found people there potentially could have been exposed to lower levels of the chemicals than residents in southeastern Pennsylvania.

In the Mid-Ohio Valley, Hoosick Falls, and at Pease, large-scale blood testing programs were administered by private industry or state and federal government agencies. Despite widespread calls for the Navy or federal government to provide blood tests here, no entity has agreed to foot the cost. An agency of the CDC recently said it has knowledge of additional blood levels in Bucks and Montgomery counties, but couldn't share information due to privacy concerns.

The Palmers' suit seeks to force the Navy to pay for blood tests and a health effects study, not only for the Palmers, but for as many as the 70,000 residents who may have been exposed to the chemicals.

"The average person doesn't have the (means) to pay (for blood tests or studies)," Angstreich

said. “These people should not be living with this hanging over them.”

The suit also seeks medical monitoring for the Palmers, to potentially detect ailments linked by some studies to the chemicals. They include kidney and testicular cancers, thyroid disease, ulcerative colitis, pregnancy-induced hypertension, high cholesterol and others.

The case is the sixth filed over the local water contamination, and the second against the Navy. The other four seek relief from the companies that manufactured the firefighting foams containing the chemicals.

The Palmers’ case may face a difficult legal road. A similar suit filed on behalf of a Warrington family in Montgomery County Court is in the midst of a complex legal battle, with the family’s attorneys arguing the case should be heard in county court, while the Navy’s attorneys are arguing it should be tried in U.S. District Court in Philadelphia.

That suit also seeks medical monitoring and a health study, and family attorney Mark Cuker, of Philadelphia’s Williams Cuker Berezofsky firm, previously told this news organization those claims would likely be thrown out if the case is heard in federal court.

Cuker said Thursday that both sides are waiting to hear back from U.S. District Judge Gerald Pappert. “The judge could decide it, (or) he could ask for oral arguments,” Cuker said.

Angstreich said he expects similar resistance to the Palmers’ case.

“I believe the Navy is going to pull out all the stops to try and prevent the citizens from getting the relief they’re entitled to,” Angstreich said.

Courtesy of Cindy Schultz/Times Union

A health department worker takes a blood sample from a residents to have it tested for PFOA contamination in February 2016, at HAYC3 Armory, a community center in Hoosick Falls, New York.

Hoosick Falls, New York, residents Will Clifford, 16, and his mother, Heather Clifford, discuss the village's water contamination in February 2016, at the HAYC3 Armory, a community center there. The Cliffords had their blood drawn for PFOA testing through the state's Department of Health.

Kim Weimer/photojournalist

(File photo) Bob Frugoli, of Upper Southampton, and Ryan Guinter, of Warminster, secure a banner along County Line Road in Upper Moreland in August, during a rally to protest a recent decision by the military and the federal government not to pay for blood tests for Warminster, Horsham and Warrington residents following the 2014 discovery of chemicals in their drinking water.

VT Digger

STATE TO BRIEF PUBLIC ON PFOA TEST RESULTS AND IMPLICATIONS

JAN. 11, 2017, 11:43 AM

BY JIM THERRIEN

A resident of Bennington County gets a blood test for the chemical PFOA. Bennington Banner file photo

BENNINGTON — The state Department of Health will host a presentation to discuss the results of blood testing for PFOA in Bennington and North Bennington and the possible health effects for those exposed to the chemical.

The session will begin at 5 p.m. Jan. 26 at Tishman Lecture Hall on the Bennington College campus.

David Grass, environmental health surveillance chief with the department, said state officials and invited specialists will provide information and answer questions from residents.

PFOA meeting

The session will begin at 5 p.m. Jan. 26 at Tishman Lecture Hall on the Bennington College campus.

He said participants will include Tarah Somers, senior regional representative for the federal Agency for Toxic Substances and Disease Registry with the Centers for Disease Control and Prevention, and Dr. Alan Woolf, a pediatrician affiliated with Boston Children's Hospital, Harvard Medical School and the New England Pediatric Environmental Health Specialty Unit.

Department of Health staff will discuss an analysis of the results of the PFOA blood testing, Grass said. That will include what was learned about how people were exposed to PFOA; the relationship between PFOA levels in blood and different modes of potential exposure, including working at or living near the former factory that is considered the likely source of the contamination; and whether any associations between PFOA levels and health problems were detected.

He said the results being discussed will be from initial testing conducted last year, not blood testing done in November. Those results are due in February.

The perfluorooctanoic acid, or PFOA, contamination of water supplies in areas around the former Chemfab factory in North Bennington was identified in the spring, shortly after similar water supply contamination was found in nearby New York state communities, also in the vicinity of industrial operations.

PFOA was widely used in consumer products for decades, such as those containing Teflon and similar coatings. It has been detected at high levels at sites in several states, as well as in the blood of people exposed through drinking water and/or through industrial operations.

Testing also indicates the substance is present in at least low levels in the blood of most Americans.

Significant exposure is suspected to play a role in development of certain cancers and other diseases.

In July, the Department of Health released a preliminary report on blood testing involving 477 adults and children in the area conducted between April and June. The people tested had private

drinking water supplies that were contaminated with PFOA or had lived near or worked at the now-closed Chemfab factory.

“Overall, the results for PFOA in blood range from 0.3 to 1125.6 micrograms/liter,” a department press release stated. “The geometric mean — a type of average — for the Bennington/North Bennington group is 10.0 micrograms/liter, higher than 2.1 micrograms/liter for the U.S. population. PFOA is found in the blood of most Americans.”

Copies of the results were sent to the participants’ health providers, and the department has taken steps to make information about the contamination available to all health care providers in the region.

The department also noted that in studies PFOA levels in blood have been shown to slowly decline after exposure through drinking water ends, but it can take two to four years for levels to fall by half after people stop drinking contaminated water.

In the November blood-draw clinics, 67 adults and 15 children were tested, according to Bennett Truman, public health communications officer with the department. He said those results are due next month.

More information about the PFOA contamination in the Bennington area is posted on the department’s website.

Sea Coast Online

Test results show PFCs found in surface water near Coakley

Thursday

Jan 12, 2017 at 4:16 PM

By Max Sullivan

GREENLAND - Residents and officials hope new surface water test results will help pressure the Coakley Landfill Group to help fund municipal water for Greenland residents.

The results, presented before the Greenland Board of Selectmen on Monday, show the presence of perfluorochemicals in surface water around Coakley landfill, including in Berry's Brook. Advocates for residents living around the landfill hope the results will lead to the CLG helping to pay to pipe municipal water to Greenland residents after the town's selectmen requested the service. The CLG, composed of municipalities and organizations that used the landfill, denied that request last year.

The meeting was led by the Governor's Task Force on the Seacoast Pediatric Cancer Cluster, which has investigated Coakley as a potential cause of a cancer cluster discovered in the Seacoast last year. It drew at least two dozen residents to the Greenland Central School gym.

The tests were conducted in late 2016 by the Conservation Law Foundation pro bono, according to task force member Mindi Messmer, a hydrogeologist and newly elected Rye state representative.

Jeff Barnum, CLF's Great Bay-Piscataqua waterkeeper, said CLF conducted tests for two forms of PFCs - PFOA and PFOS. He said surface water was tested in locations including one 10 feet away from the fence that runs around the landfill, as well as one where Berry's Brook crosses Berry's Brook Road and a third location five miles down the brook.

The result showed PFOA levels of 68 parts per trillion and PFOS levels of 36 parts per trillion next to the landfill's fence. At the location where the brook meets Berry's Brook Road, the level showed 198 parts per trillion for PFOA and 70.5 parts per trillion for PFOS. Five miles down the brook, Barnum said there were some PFOA and no PFOS, and he said it would be preferable to check between that point and the middle test spot in the brook to test for more evidence of the contaminants traveling.

Representatives from the Environmental Protection Agency and the state Department of Environmental Services were present at the meeting and said neither agency has a health advisory level for surface water. Both have an advisory level for groundwater, which is 70 parts per trillion, and if that threshold is found to have been surpassed, the agencies must address the contamination.

Barnum said the surface water is important, though, as it has a strong connection to groundwater.

Robin Mongeon of the DES Hazardous Waste Remediation Bureau, who represented DES at the meeting, said after the meeting that surface water can be used to recharge groundwater and that groundwater can discharge into surface water.

"We know that surface water and groundwater are ... are intimately connected," Barnum said.

Messmer also said New Hampshire's health advisory level may not be strict enough, noting other states have much lower health advisory levels, like Vermont, which has a health advisory level of 20 parts per trillion. Before the meeting, she had filed several bills in the New Hampshire House related to Coakley, one of which would change the state's health advisory level for PFC contaminants.

Representatives from the DES and EPA were present Tuesday and said that no residents are currently drinking contaminated water. Still, residents told the DES and EPA representatives they were concerned the state and federal agencies were not acting quickly enough to address their concerns. When Jim Murphy of the EPA's Boston office said no residents were drinking contaminated water, Democratic Portsmouth state Rep. Becky McBeath asked, "How do you know that?"

"You don't have the answers, but you've already come to the conclusion that nobody's drinking contaminated water. How can you do that?" McBeath said.

Coleen Penacho, a resident and lawyer, said she was concerned that the lack of a health advisory for surface water would prevent the EPA from forcing the CLG to bring water to the town of Greenland. Murphy said that was "generally" true, and Penacho reacted by asking selectmen what they intended to do to hold the CLG accountable for providing drinking water to Greenland residents.

Selectman John McDevitt said a warrant article is going before voters at Town Meeting this March for \$25,000 to be set aside for legal, environmental or engineering consulting in the event it is needed. Chairman Vaughan Morgan said a lawsuit is not the preferred route but that it won't be taken out of consideration if deemed necessary.

Selectman Paul Sanderson said Portsmouth would likely have difficulty providing water to

Greenland considering it recently shut down the Haven well due to PFC contamination, dramatically lowering its water supply.

Penacho replied that was not an excuse for the CLG, led by Portsmouth, to avoid providing water to Greenland.

"It's not our problem," Penacho said. "The town of Greenland did not create this issue."

State Rep. Mindi Messmer, D-Rye, a member of the Governor's Task Force on the Seacoast Pediatric Cancer Cluster, speaking at Monday's meeting with Greenland selectmen regarding the Coakley landfill. Photo by Max Sullivan/SeacoastonlineMax Sullivan photo

###

David W. Kluesner



U.S. Environmental Protection Agency, Region 2

Chief of Public Outreach

290 Broadway, 26th Floor

New York, NY 10007

212.637.3653 (Office)

347.330.9439 (Cell)